Application Reference: 2023/0409

Type: Lawful Development Certificate

Applicant: Mr T Askew

Site Address: 24 Burnham Way, Darfield, Barnsley, S73 9QA

Proposal: Lawful development certificate for proposed single storey rear extension and loft conversion

Property Description

The dwelling is buff brick coloured semi-detached bungalow located on a street of similar dwellings, many extended. The dwelling has UPVC windows and features a rooflight on both the front and rear roof elevations. A driveway runs down the lefthand side of the bungalow towards a detached garage. Both the front and rear garden are predominantly lawned with some landscaping.

Proposed Development

The proposal is for an internal loft conversion, single-storey rear extension, relocation of a side door and an additional window.

The proposed loft conversion would result in a new obscure glazed bathroom window within the existing side elevation, externally located approximately 4.2m high. There is no external height or size increase proposed to the roof.

The single-story rear extension would be an infill extension, between the existing extension and the boundary fence. The proposal would feature a predominantly flat roof with a centre glazed protrusion. The eaves are proposed to be at a height of 2.74m and the maximum height of the extension is proposed to be 3.74m. The rear projection would be 3m and would not be forward of the existing extension.

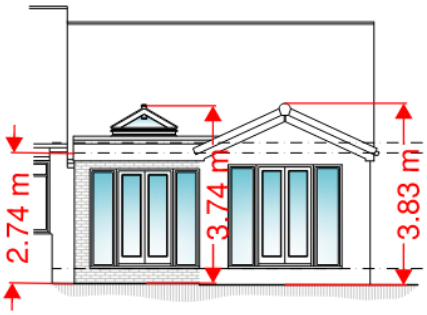
An existing external door is proposed to be relocated approximately 1m away from its existing position. The new location replaces an existing window whilst the old doorway would be bricked up.

The applicant has submitted the following amended plan in support of their LDC application:

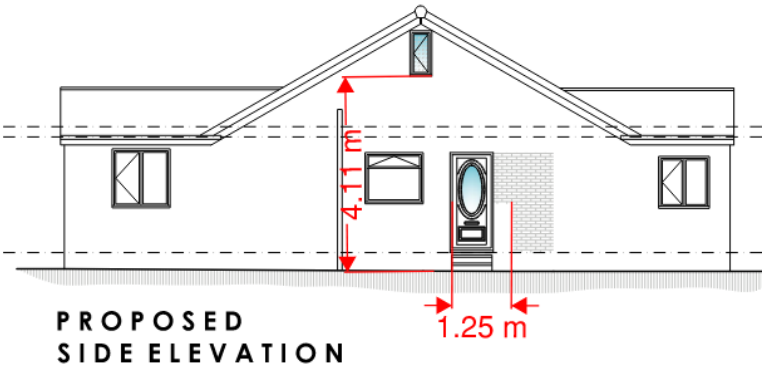
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All works relate to the dwelling at 24 Burnham Way, Darfield, Barnsley, S73 9QA

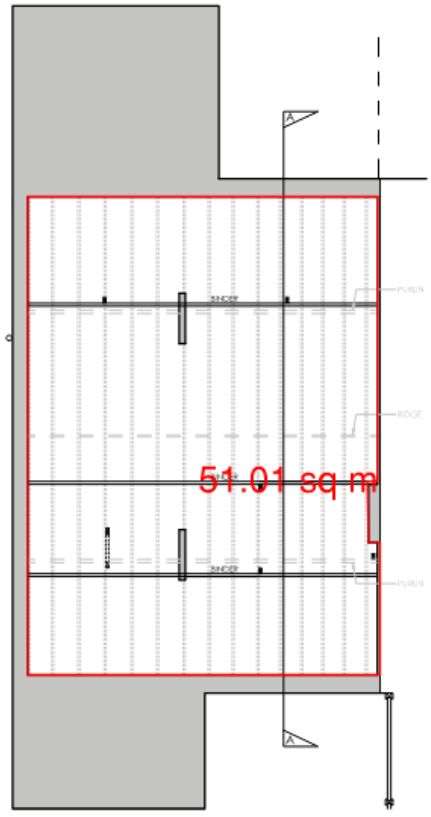
Proposed Elevations Plan (Extracts)



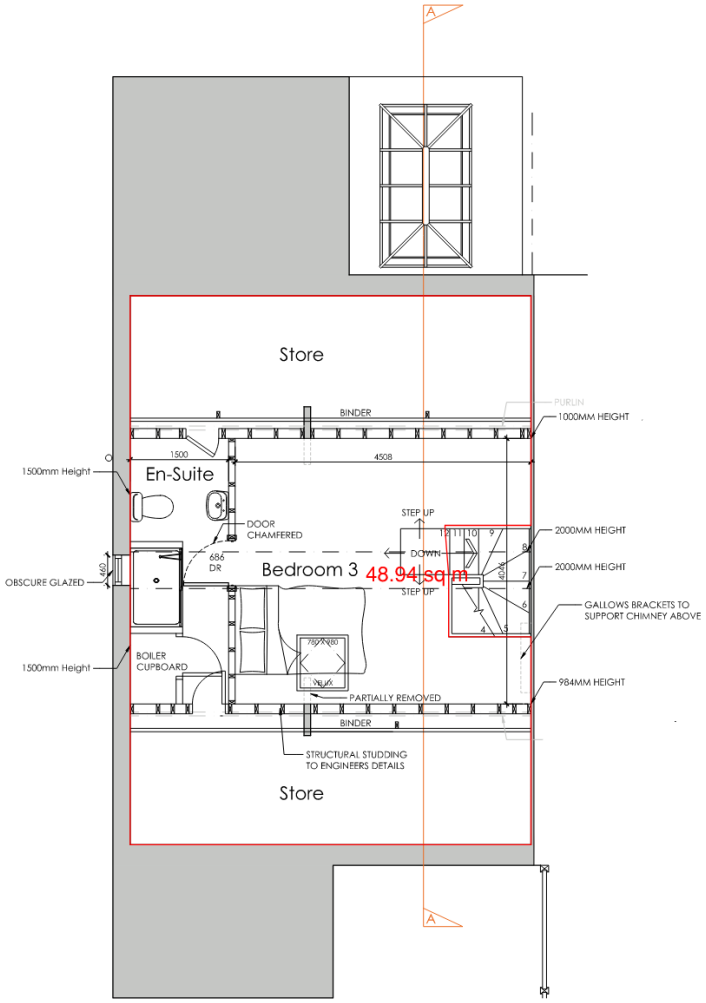
PROPOSED
REAR ELEVATION
SCALE 1:100



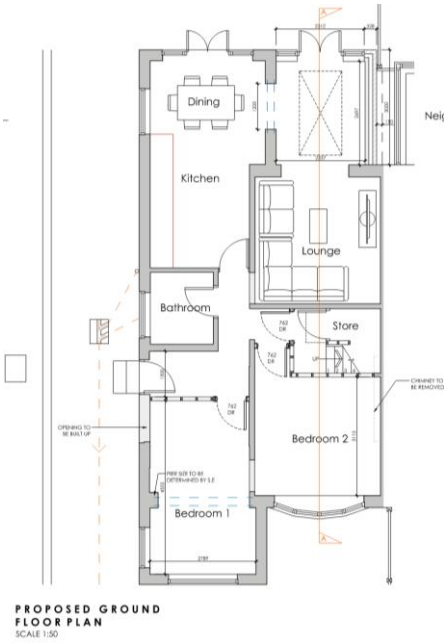
PROPOSED
SIDE ELEVATION
SCALE 1:100

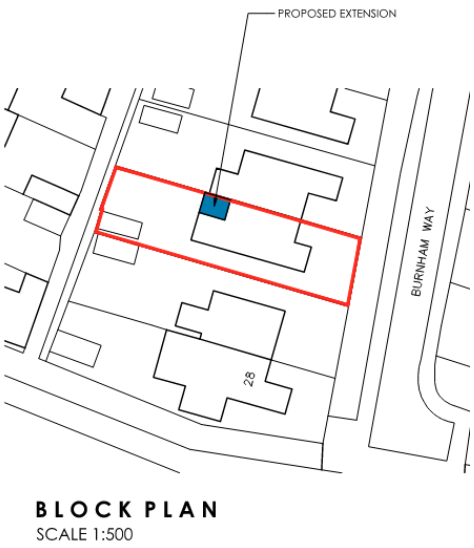


EXISTING FIRST
FLOOR PLAN
SCALE 1:100



PROPOSED FIRST
FLOOR PLAN
SCALE 1:50





Section 192(1) of The Town and Country Planning Act 1990 provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. Section 192(4) then provides that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

Planning History

B/77/1280/DA: Extension to form dining room

Planning Context

Single-storey rear extensions to dwellings are allowed to be constructed without obtaining planning consent, providing they meet the criteria set out in Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development is not permitted if:

a. permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

b. as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

c. The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

d. The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

f. Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and —

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

g. for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would not have a single-storey and:

i. Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

ii. Exceed 4 metres in height

h. The enlarged part of the dwellinghouse would have more than a single storey and –

i. Extend beyond the rear wall of the original house by more than 3 metres, or

ii. Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse

i. The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

j. the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

k) it would consist of or include—

(i) the construction or provision of a veranda, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse.

Development is permitted by Class A subject to the following conditions—

a. the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

b. any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be —

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

c. where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Consultees

Legal – Advice was given that if the proposals met the guidance of the Class A of the GPDO 2015 regulations, as detailed above then a Lawful Development certificate could be issued.

Assessment

Class A of the GPDO 2015 (as amended) permits extensions to domestic dwellings where certain criteria are met. This includes being allowed to erect a single-storey extension with a rear projection beyond the original rear elevation of no more than 3m for a semi-detached dwelling. Height restrictions are a maximum of 4m with additional restrictions imposed when an extension is to be constructed within 2m of a boundary. In this scenario, which affects this application, the height of the eaves is limited to below 3m high.

Having thoroughly checked the proposed development against the GPDO 2015 (as amended), the proposed rear extension, complies with this legislation as the projection is 3m, the eaves height of the proposed roof is 2.74m and the maximum height would be 3.74m, below the height of the original dwelling's roof. The proposed loft conversion does not include external work to the roof and the proposed glass window on the side elevation is obscured and of a similar design to the existing windows. The applicant just needs to adhere to a non-opening window or an opening window 1.7 above the floor area of the room containing the window. The proposed door is the same or of the same design as the existing door. Together the proposals meet permitted development rights, and a Lawful Development Certificate can be issued.

Recommendation

Approve with conditions